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B I L L

TO

Consolidate and amend certain Acts and Enactments relating to the Commissioners of Public Works in Ireland; and for other purposes. A.D. 1883.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 PRELIMINARY.

1. This Act may be cited as the Board of Works (Ireland) Act, 1883. Short title, and commencement of Act.

This Act shall, save as otherwise provided in this Act, come into operation on the *first day of April one thousand eight hundred and*
10 *eighty-four*, which day is herein-after referred to as the commencement of this Act.

2. This Act shall extend only to Ireland. Extent of Act.

PART I.

COMMISSIONERS OF PUBLIC WORKS IN IRELAND.

15 3. A body of commissioners, to be called "the Commissioners of Public Works in Ireland" (in this Act referred to as "the Commissioners") shall be constituted under this Act. Constitution and incorporation of Commissioners.

The number of the Commissioners shall not be less than *three* nor more than *five*, and they shall hold office during Her Majesty's
20 pleasure.

On the occurrence of any vacancy in the office of any commissioner by reason of death, resignation, incapacity, or otherwise, and at any time when the number of the Commissioners is less than five, Her Majesty may by warrant under the Royal Sign Manual
[Bill 178.] A

A.D. 1883. — appoint some fit person or persons to be a Commissioner or Commissioners; provided that the whole number of commissioners shall not at any time exceed five.

The Commissioners shall be a body corporate with a common seal, having a capacity to acquire and hold land for all the purposes 5 of their constitution.

Any power or act vested in or authorised or required to be done by the Commissioners may be exercised or done by any two of them.

A commissioner under this Act shall, during his tenure of office, 10 be incapable of being elected to and of sitting in the House of Commons.

An act or proceeding of the Commissioners shall not be questioned on account of any vacancy or vacancies in their number.

Judicial notice shall be taken by all courts of justice of the 15 corporate seal of the Commissioners, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

*Appointment
of officers.*

4. The Treasury, or under their authority the Commissioners, may from time to time appoint a secretary and solicitor and such other 20 officers and servants, and employ such engineers, surveyors, valuers, and other persons, as the Treasury may deem proper for the business of the Commissioners; and the Commissioners may remove any person so appointed or employed.

Any officer appointed as aforesaid shall during his tenure of such 25 office, be incapable of being elected to and of sitting in the House of Commons.

*Salaries and
expenses.*

5. There shall be paid or allowed to every commissioner appointed under this Act, and to any person appointed or employed as herein-before mentioned, such salary or remuneration as the 30 Treasury may think fit.

A person appointed or employed as aforesaid, shall not receive any remuneration in respect of such appointment or employment, or otherwise in respect of the execution of any duties connected therewith, except such as may be assigned to him in pursuance 35 of this section.

Every such salary and remuneration as aforesaid, and all expenses incurred by the Commissioners in the execution of this Act or in pursuance of any other Act conferring or imposing any powers or duties on them, shall, save as otherwise provided by this 40 Act or by any special enactment, be paid out of moneys provided by Parliament.

6. The Commissioners shall annually cause to be made out up to the end of every financial year a report of their transactions during the year, and such report shall contain or have annexed thereto the prescribed particulars respecting moneys issued to and loans made by the Commissioners either before or after the passing of this Act, and the execution of the duties of the Commissioners, and such other particulars as the Commissioners may from time to time think fit.

A.D. 1883.

Annual
report by
Commissioners.

Such report shall be sent to the Treasury and shall be laid by the Treasury before both Houses of Parliament.

7. The Commissioners shall keep at the Bank of Ireland such account or accounts, and under such title or titles as the Treasury may from time to time direct, and every such account shall be deemed to be a public account.

Accounts
and audit.

Such accounts as the Treasury may from time to time direct of all moneys issued from or payable to the Consolidated Fund of the United Kingdom, or advanced by or payable to the Commissioners for the Reduction of the National Debt, or payable to the Irish Land Commission, in pursuance of this Act during every financial year, and of all transactions by the Commissioners during that year, including all sums for the time being due to the Commissioners from any person in respect of any loan, whether made by the Commissioners or by any other authority, either before or after the commencement of this Act, shall be kept by the Commissioners, and shall be audited by the Comptroller and Auditor General in such manner as the Treasury may from time to time direct.

8. All sums paid or applicable in or towards the discharge of the principal or interest of any loan made by the Commissioners either before or after the passing of this Act, or of any loan repayable to the Commissioners, or of any sum due in respect of any such loan, and all fees and other sums payable by any person in pursuance of any regulations made under this Act, shall, subject as hereafter in this section provided, and subject also to any special enactment, be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time direct, and shall be carried to the Consolidated Fund of the United Kingdom:

Application
of money
paid to Com-
missioners.

Provided that all sums due to the Commissioners for the Reduction of the National Debt on account of any moneys advanced by them in pursuance of this Act shall, under the direction of the Commissioners, be paid to the Commissioners for the Reduction of the National Debt, and not into the receipt of Her Majesty's Exchequer; and all sums due to the Irish Land Commission on account of moneys advanced by the Commissioners of Church Temporalities in Ireland to the Commissioners, shall be paid to the Irish Land Commission, and not into the receipt of Her Majesty's Exchequer.

A.D. 1883.

43 & 43 Vict.
c. 58.

The Public Offices Fees Act, 1879, shall apply to all fees within the meaning of that Act payable in pursuance of any regulations made under this Act.

Commissioners to take evidence.

9. The Commissioners may examine any persons willing to be examined on any matters connected with the subject of any inquiry or proceeding directed or authorised to be made or taken by them, and may for that purpose, or otherwise for the purpose of the exercise of any power or duty conferred or imposed on them, administer an oath and take any affidavits or declarations.

Commissioners to survey lands, making compensation for damage.

10. For the purpose of any inspection, survey, investigation, or inquiry which is by this or any other Act directed or authorised to be made by or on behalf of the Commissioners or by any person under their authority, or which the Commissioners may deem necessary or expedient for any of the purposes of this Act, the Commissioners and any person authorised by them may enter upon any lands, and do any necessary or proper acts and things, for the purpose of such inspection, survey, investigation, or inquiry, and the Commissioners shall make reasonable compensation for any damage occasioned thereby.

In default of agreement as to the amount of such compensation, proceedings may be taken in a summary manner for ascertaining the amount thereof, and the court before whom such proceedings are taken shall make such order as they may deem just for the payment of the amount of such compensation by the Commissioners to the person aggrieved, and the said order shall be final and conclusive:

Provided that the Commissioners and any person authorised by them may exercise any of the powers conferred by this section previously to or pending the decision of any question as to such compensation.

Penalty for obstructing Commissioners and their officers.

11. Any person who wilfully obstructs the Commissioners or their officers or servants or any of them, or any person employed by the Commissioners or acting under their authority in the lawful exercise of any powers vested in them or him under this or any other Act, shall for each offence be liable to a penalty not exceeding *five pounds*, to be recovered in a summary manner.

Regulations by Commissioners.

12. The Commissioners may from time to time make regulations with respect to the following matters or any of them, that is to say:—

- (a.) the proceedings of the Commissioners and the authentication of documents made or issued, or directions given, or acts done, by them, and

- (b.) the making of loans under this Act, and applications therefor, and the information to be given and conditions to be complied with by the applicants, and
- 5 (c.) the forms to be used, including the forms of securities, and
- (d.) any fees or sums to be paid by the applicants or by other persons dealing with the Commissioners, and
- (e.) the relations of the Commissioners with the Commissioners for the Reduction of the National Debt and with the Bank of Ireland, and
- 10 (f.) any matters by this Act declared to be prescribed, and any other matters with respect to which the Commissioners may deem it expedient to make regulations for carrying this Act into effect, and
- 15 (g.) any matters declared by any Act to be prescribed by regulations made by the Commissioners in pursuance of this Act, and
- (h.) any matters in relation to which the Commissioners may deem it expedient to make regulations for the purpose of duly exercising and discharging any powers and duties vested in or imposed on them in pursuance of any Act, so that such regulations be not inconsistent with any of the provisions of such Act.
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Every such regulation shall be submitted for the approval of the Treasury, and as approved by them with such modifications and additions as they think fit, shall be published in the "Dublin Gazette," and when so published shall have effect as if it was enacted in this Act.

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Every such regulation shall be laid before both Houses of Parliament as soon as may be after the making thereof if Parliament be then sitting, or if Parliament be not then sitting within *one month* after the then next meeting of Parliament. Every regulation, purporting to be made in pursuance of this section, shall, after the expiration of *six months* after its publication in the "Dublin Gazette," be deemed to have been duly made and to have been made within the powers of this Act.

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Regulations made under this section may be from time to time rescinded, altered, and added to in like manner as the original regulations.

13. The Commissioners in making loans, in executing works, and generally in the performance of their duties under this or any other Act, shall conform to any directions, whether given on special occasions, or by general rule, or otherwise, which may from time to time be given to them by the Treasury, and shall

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Control of
Commissioners by
Treasury.

A.D. 1883. report to the Treasury within such time and in such manner as the Treasury may direct all matters transacted by the Commissioners.

PART II.

LOANS BY COMMISSIONERS.

Objects, Terms, and Duration of Loans.

Objects of
loans.

14. The Commissioners may, if they think it expedient, from time to time in manner mentioned in this Act, and with the consent of the Treasury, make loans for any purpose mentioned in the First Schedule to this Act to any person having power to borrow for such purpose.

The Commissioners in considering the propriety of making a loan for any work shall have regard to the sufficiency of the security for the repayment of such loan, and subject to the provisions of any special enactment shall determine whether the work for which the loan is asked would be such a benefit to the public as to justify a loan out of public money, having regard to the amount of money placed at their disposal by Parliament.

Restriction
on amount of
loan to one
borrower.

15. The advances made by the Commissioners on account of a loan for any one of the purposes mentioned in the First Schedule to this Act in any one financial year to one borrower shall not exceed in the aggregate one hundred thousand pounds :

33 & 34 Vict.
c. 45.
44 & 45 Vict.
c. 49.

Provided that nothing in this section shall apply to any advance under the Landlord and Tenant (Ireland) Act, 1870, or under the Land Law (Ireland) Act, 1881, or under any Act authorising loans for the improvement, drainage, or purchase of lands in Ireland.

Interest on
loan.

16. A loan made under this Act shall bear interest at a rate not less than the rate authorised by any special enactment relating to such loan, or, if no rate be so authorised, then at such rate as the Treasury direct.

33 & 34 Vict.
c. 45.
44 & 45 Vict.
c. 49.

Where the rate of interest authorised by any special enactment, passed before the passing of this Act, relating to the loan is less than five per cent., such loan shall, notwithstanding anything in the special enactment, bear interest at a rate not less than the rate in such enactment, and such other rate as may be necessary, in the judgment of the Treasury, in order to enable the loan to be made without loss to the Exchequer ; but this provision shall not apply to any advance under the Landlord and Tenant (Ireland) Act, 1870, or the Land Law (Ireland) Act, 1881, or the Glebe

Loan (Ireland) Acts, or any Act authorising loans for the improvement, drainage, or purchase of lands in Ireland. A.D. 1882.

The Treasury, on the recommendation of the Commissioners, stating special circumstances, may after the making of a loan reduce the rate of interest for such loan to such rate as may be recommended by the Commissioners; provided that the rate of interest for a loan shall not be reduced below the rate authorised by a special enactment relating to such loan.

17. A loan made under this Act shall be repayable within a period not exceeding the period authorised by any special enactment relating to such loan; or, if no period be so authorised, such loan shall be repayable by instalments within a period not exceeding *twenty-five years*, and the first instalment shall be payable within a period not exceeding *five years*, from the date of the actual advance of such loan. Period for repayment of loan.

Where a loan has been made repayable within a period less than the full period allowed by the foregoing provisions of this section, the Commissioners, if the repayment of the loan with interest is in their opinion sufficiently secured by such security as is required by this Act, and if they think fit, may, with the consent of the Treasury, extend the period for the repayment of such loan to a period not exceeding the said full period from the date of the advance of such loan.

Where no period is authorised by a special enactment relating to the loan, the Treasury, on the recommendation of the Commissioners, stating special circumstances, may either before or after the making of the loan, extend the period within which the loan is to be repaid to such period as may be recommended by the Commissioners.

The Commissioners in considering whether the period for the repayment of a loan should or should not be the said full period, and the Commissioners and the Treasury in considering whether the period should be extended as aforesaid, shall have regard to the durability of any work for the purpose of which the loan is made, and to the expediency of the cost of such work being paid by the generation of persons who will immediately benefit by such work.

Save as otherwise provided by any special enactment, where a loan made under this Act is advanced by instalments, the period within which such loan is by this section required to be repaid shall, as regards each instalment thereof, be reckoned from the date of the advance of such instalment.

A.D. 1882,

Security for
loan.

18. The Commissioners, before advancing any money on account of a loan, shall take such security for the repayment of the loan with the interest thereon, as is authorised by any special enactment relating to the loan, or if none is so authorised shall take all or any of the following securities, that is to say:—

- (1.) A mortgage of property;
- (2.) A mortgage of a rate;
- (3.) The security of the presentment of the grand jury of a county;
- (4.) The security of a presentment made at any presentment 10 sessions of a barony or half barony.

In addition to any other security taken by them for the repayment of a loan with interest, the Commissioners shall also take personal security by bond to Her Majesty or otherwise; provided that the Commissioners may, if they think fit, dispense with personal security in any case in which in their opinion any other authorised security taken by them is sufficient to secure the payment of the principal and interest of the loan within the stipulated period. 15

Recovery of Loans.

Charge on
property and
priority of
loan.

19. Where a loan is made by the Commissioners on the security of a mortgage of any property (whether with or without any other security), the property shall be charged with the payment of the loan with interest as in the mortgage mentioned, with the priority (if any) specified in any special enactment relating to such loan, or, if no priority be so specified, in priority, (save so far as 25 otherwise specified in the mortgage) over every other debt, mortgage, or charge whatsoever affecting the property, except quit rents and rentcharges in lieu of tithes, and except any loan due to any creditor not assenting to such priority which loan has been advanced in good faith before the loan made by the Commissioners and is secured 30 by a mortgage of the property executed to a person who is entitled as a bona fide creditor to the repayment of such loan with interest.

Provided that if there is more than one such creditor and not less than four fifths in value of such creditors consent in writing that the said charge for the payment with interest of the loan made 35 by the Commissioners have priority over the loans and mortgages of such creditors, in such case the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the loan made by the Commissioners and to the said charge thereof, and to the security 40 for the same.

20. Where a mortgage of property has been given to secure any loan made by the Commissioners, and default is made in making payment according to the terms of such mortgage, then at any time after such default, and without any consent on the part of
 5 any person interested in the equity of redemption of the mortgaged property, the Commissioners, without prejudice to any other remedy, shall have power to do all or any of the following things; namely,

A.D. 1881.

Power to take possession on default of payment.

(1.) Take possession of the mortgaged property, or any part thereof; and

10 (2.) Grant any lease of the mortgaged property, or any part thereof, for such term and upon such reasonable conditions as they may think expedient, and that either for a premium or rent, or both; and

(3.) Sell or mortgage the mortgaged property, or any part thereof.

15 21. The Commissioners, when authorised to take possession of any property mortgaged to them, may take possession either by themselves or by any person appointed by them (whether such person is interested in the mortgaged property or not), and, upon possession of any mortgaged property being so taken:—

Powers of Commissioners when in possession.

20 (1.) All the estate, right, interest, powers, authorities, and privileges, of what nature or kind soever, which were at the time of the making of the mortgage or may for the time being be vested in or exercisable by the mortgagor, either in relation to the property or necessary for carrying on and managing
 25 the same, shall become vested in the Commissioners; and

(2.) The Commissioners may by themselves or any person appointed as aforesaid manage and carry on the property, and receive the revenue arising therefrom, or in any way receivable in respect thereof, or otherwise, in pursuance of
 30 the mortgage; and

(3.) The Commissioners or such person as aforesaid shall not be liable for the repairs or maintenance of the mortgaged property, but may apply any moneys received in respect thereof or raised from any rate towards such repairs or
 35 maintenance to such extent as the Commissioners may think expedient; and

(4.) The Commissioners may, with the consent of the Treasury, advance out of moneys at their disposal for the purpose of loans under this Act sums for the completion, repair, improvement, or security of the mortgaged property, and every such
 40 sum shall be deemed and shall be a loan secured on the mortgaged property, and shall bear interest from the date of the advance at the rate of *five* per cent. per annum or the rate [178.]

B

A.D. 1883.

(if greater than five per cent.) payable in respect of the original loan secured by the mortgage, and shall be repayable by the like person, and shall have the like priority and be recoverable in the like manner as if it were part of the said original loan; and

- (5.) If the revenue received from or in respect of the property is insufficient to keep down the current expenses of working, maintaining, and repairing the same, together with the instalments of principal and the interest for the time being due on the mortgage, and no rate or no sufficient rate can be levied to meet the deficiency, the Commissioners may, with the consent of the Treasury, destroy or cause to be destroyed, or (if they sell the same) authorise the purchaser with the like consent to destroy the same, and sell or authorise the purchaser to sell the materials thereof and other the articles, goods, and effects belonging thereto, and neither the Commissioners, nor their secretary, nor the purchaser so authorised, nor his representatives, shall be liable in damages or otherwise to any person whomsoever for such destruction; and the provisions of this Act with respect to the sale of any mortgaged property shall apply to any sale under this section; and
- (6.) Possession under this Act may be relinquished at such time and in such manner and upon such terms and conditions as the Commissioners think fit, and upon such relinquishment all powers, authorities, and privileges which on the taking of possession became vested in the Commissioners shall, so far as they are not reserved, revert to and become vested in the person in whom the same would have been vested if possession had not been taken, but the Commissioners may, if they think fit, on the relinquishment of possession, reserve any of the said powers, authorities, and privileges, with a view to the payment of any sum due to them:
- (7.) Every such relinquishment of possession of any mortgaged property shall be without prejudice to the power of again taking possession thereof under the provisions of this Act.

Sale and mortgage by Commissioners of mortgaged property.

22. Where the Commissioners have power to sell or mortgage any property mortgaged to them, they shall have power to sell or mortgage either together or in parcels, by public auction or private contract, and subject to such conditions as to title or evidence of title or otherwise as the Commissioners may think proper.

They may also buy in at any auction and rescind any contract for sale or mortgage, and resell or remortgage, without being responsible for any loss occasioned thereby.

Where a sale cannot be made in the ordinary way for a sum equal to the amount remaining due under the mortgage, the Commissioners may, if they think fit, sell in such manner and subject to such conditions, stipulations, and agreements as they may think expedient for the purpose of ensuring the completion or carrying on of the work comprised in such mortgage by the purchaser thereof, with a view to the public good or general benefit, or for any other purpose, notwithstanding such conditions, stipulations, and agreements may be prejudicial to the sale, or may not be beneficial to the persons interested in the equity of redemption in the property.

A.D. 1863.

The Commissioners may for the purpose of any such sale or mortgage execute all such agreements, conveyances, and instruments as they may think fit.

23. Every sale or mortgage made by the Commissioners of any property mortgaged to them, and purporting to be made in pursuance of this Act, shall, so far as regards the interests of the purchaser or mortgagee, be deemed to be valid, and the purchaser or mortgagee shall not be bound to see or inquire whether the sale or mortgage is authorised, nor in the case of a mortgage whether the money raised is required to be raised, nor as to the necessity or expediency of or authority for making the conditions, stipulations, or agreements, subject to which the sale or mortgage was made, nor otherwise as to the propriety or regularity of such sale or mortgage, nor shall he be bound to see to the application of such money or be liable or in any manner accountable for the mis-application or non-application thereof.

Provision for
protection of
purchaser.

24. Any lease, mortgage, or conveyance made by the Commissioners under this Act of any property mortgaged to them shall convey to the person in whose favour such lease, mortgage, or conveyance is made, and according to the terms thereof, all or any part of the estate, right, interest, powers, authorities, and privileges, which under the mortgage and this Act are vested in or capable of being exercised by the Commissioners, either before or after possession taken, and the same shall thereupon be vested in and may be exercised and put in force by such person accordingly.

Terms of sale
or mortgage.

- Nothing in this Act shall operate to invalidate or affect the rights of any person entitled bona fide to any debt, estate, or interest having priority over or ranking pari passu with the loan made by the Commissioners, or the security for such loan, or the rights of any lessee under any lease made either prior to such security or with the concurrence of the Commissioners.

A.D. 1883.

Application
of money
arising on
sale, &c. by
Commissioners.

25. Any money arising from the taking possession, lease, sale, or mortgage under this Act by or under the direction of the Commissioners of any property mortgaged to them shall be applied first in discharge of all costs, charges, and expenses incurred by or under the direction of the Commissioners in respect thereof, or otherwise by reason of the default in payment, and secondly in discharge of the whole of the principal of the loan secured by the mortgage and for the time being unpaid (notwithstanding that the same or any instalment thereof may not have become actually due), and in discharge of all interest accrued due on such principal, and 5 of all other sums (if any) due under the mortgage.

The surplus (if any) of such money either shall be paid to the mortgagor or other person or persons entitled thereto, or, if the Commissioners think fit, shall be paid into court in like manner as if they were trustees of such money for the persons entitled 15 thereto, and the court may make such orders for the payment and distribution of such money to or among those persons as may from time to time seem to the court just.

Recovery of
loan secured
by mortgage
of rate.

26. Where a loan made by the Commissioners is secured by the mortgage of a rate (whether with or without any other security), 20 and the Commissioners might, if such loan were secured upon a mortgage of property, take possession of such property, the Commissioners may, without prejudice to any other remedy, by notice in writing served at the office or last known place of address of the mortgagor, or where from any cause the same cannot be so served 25 by notice in writing published in the prescribed manner, declare their intention to exercise the powers conferred by this Act, and thereupon the Commissioners shall have and may exercise the same power as the mortgagor of making and levying the rate mortgaged. 30

The Commissioners, in making an estimate of the rate to be levied for the purpose of paying any sum due, may add such sum as they think sufficient for defraying and may defray thereout all costs, charges, and expenses, including remuneration to any officer or other person employed, incurred by the Commissioners in the 35 execution of their powers under this section or otherwise by reason of the default in payment.

Any balance remaining in the hands of the Commissioners shall be paid by them to the mortgagor.

The Commissioners may, by a like notice, declare their intention 40 to relinquish the powers conferred by this section, and that either absolutely or with reservations and conditions, and thereupon all

such powers shall revert in the mortgagor, subject to the said reservations and conditions. A.D. 1882.

27. When the Commissioners have taken possession of any property mortgaged to them under this Act or exercised the powers conferred on them by this Act for the recovery of a loan secured by the mortgage of a rate, neither they nor any person appointed by them in that behalf shall be liable to account to any person interested in the equity of redemption in such property or rate for any moneys which, but for their wilful neglect or default, they or he might have received when so in possession, or for any moneys other than those which have actually come to their or his hands.

Liability of Commissioners as to mortgaged property or rate.

28. Where a loan has been made by the Commissioners on the security of the presentment of the grand jury of a county, or it is the duty of the grand jury of a county to present the amount required either for the repayment of a loan made by the Commissioners or for the payment of any expenses incurred by or under the authority of the Commissioners, such grand jury shall be authorised and required, without any previous proceeding at any presentment sessions, to present all sums from time to time required for the repayment of such loan with the interest due thereon or for the payment of such expenses.

Recovery of loan secured by presentment of grand jury or barony.

Where a loan has been made by the Commissioners on the security of a presentment made at any presentment sessions of a barony or half barony, the grand jury of the county in which such barony or half barony is situate shall be authorised and required to present all sums from time to time required for the repayment of such loan with the interest due thereon.

For the purpose of recovering any such loan and interest or any such expenses as heretofore in this section mentioned the Commissioners may at any time or times after the making of such loan or the incurring of such expenses send to the secretary of the grand jury of such county a certificate or certificates specifying the whole or any part or parts of the sum to be paid by such county or any part thereof, or by such barony or half barony as aforesaid, in respect of such loan and the interest thereon, or in respect of such expenses; and, in case the sum so specified in any such certificate is payable by instalments, such certificate shall also specify the amount of each instalment payable by such county or any part thereof, or by such barony or half barony as aforesaid, and the day on which each such instalment will be due.

A.D. 1893.

Any such certificate shall be conclusive evidence of all matters and things necessary to authorise the making of it.

Upon any such certificate being sent to the secretary of the grand jury, the grand jury at the next and every succeeding assizes or presenting term, until the sum therein specified as aforesaid has been fully paid, shall without any previous proceeding at any presentment sessions present any amount for the time being due or falling due before the then next assizes or presenting term on account of the said sum as specified in the said certificate; and if such grand jury make default in presenting such amount as aforesaid the judge of assize or the court shall order such amount to be raised, and such order shall have the force of a presentment, and such amount shall be apportioned and raised and levied accordingly, as if the same had been inserted in a presentment duly made at such assizes or presenting term.

The secretary of the grand jury shall, within one month after the date of any such presentment or order as aforesaid, send the prescribed notice thereof to the Commissioners.

Recovery of
debt on
personal
security.

29. Where any sum is payable by any person under any bond or obligation to Her Majesty entered into in pursuance of this Act, the Commissioners may issue their warrant or warrants to their solicitor requiring him to proceed against such person, for the recovery of such sum and the costs attending such proceedings, not exceeding in the whole the amount which such person is bound under the said bond or obligation to pay.

The High Court, or a judge thereof, may, upon the production of the warrant or warrants of the Commissioners, direct an immediate writ of extent, without any writ of *scire facias*, or affidavit, or any other proof of the cause of such proceeding.

Recovery of
loan after
expiration of
period for
repayment.

30. The expiration of the period within which a loan under this Act is made repayable shall not in any way affect any power of the Commissioners of recovering or enforcing payment of any sum due in respect of such loan.

Funds for Loans.

Issue of
money for
loans.

31. When any money has been granted by Parliament for the purpose of loans by the Commissioners, the Treasury may from time to time, as they think fit, issue out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, the required sums, not exceeding in the whole the amount so granted.

The said sums shall be issued in such manner as the Treasury may from time to time direct during the period authorised by the

Act granting the same, or, if no period is authorised, during the financial year for which such Act was passed, and not subsequently.

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All money so issued shall be placed to the account of the Commissioners at the Bank of Ireland, under such title or titles as the

5 Treasury direct.

32. *If the Act granting money for the purpose of loans by the Commissioners authorizes the Treasury to borrow such money, or any part thereof, the Treasury may raise any sums (not exceeding the amount authorised by the said Act to be borrowed, and not exceeding in any one financial year the excess of the issues out of the Consolidated Fund under this Act during that year over the repayments to the Consolidated Fund during that year in respect of the principal of loans granted by the Commissioners either before or after the passing of this Act), in such one or more of the following methods, as may be directed by the Act authorizing the money to be borrowed, and subject to any such direction as may be deemed most convenient for the public service, namely, by the creation of three pounds per centum per annum permanent annuities, or of annuities for any term not exceeding thirty years, or by the issue of Exchequer bonds or Exchequer bills, or Treasury bills, or by otherwise borrowing the same (for a period not exceeding six months) on the credit of the charge created by this Act on the Consolidated Fund, or by all of such means; and the sums so raised shall be placed to the credit of the account of Her Majesty's Exchequer, and form part of the Consolidated Fund.*

Borrowing for the purpose of raising money.

The annuities created in pursuance of this section, and the principal moneys borrowed in pursuance of this section (otherwise than by the issue of Exchequer bonds), and all interest from time to time due thereon, or on Exchequer bonds issued under this section (not exceeding the rate of five per cent. per annum), shall be charged upon and be payable out of the Consolidated Fund, or out of the growing produce thereof, at such times in each year as may be fixed by the Treasury.

35 *The principal of any Exchequer bonds issued under this section shall be paid out of moneys provided by Parliament.*

The annuities, whether terminable or perpetual, shall be created by warrant of the Treasury to the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

The said annuities shall, in manner directed by the warrant, be consolidated in the said books, if terminable, with annuities payable at the same date, and if permanent, with annuities at the same rate

A.D. 1853.

Advances to
Commissioners by
National
Debt Com-
missioners.

of interest, and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities, so far as is consistent with the tenor of those enactments.

5

33. If the Act granting money for the purpose of loans by the Commissioners authorises the Commissioners for the Reduction of the National Debt to advance money for such purpose, those Commissioners may, out of moneys in their hands on account of savings banks or Post Office savings banks, advance to the Commissioners any sum or sums of money not exceeding in the whole the amount named in the said Act, during the period named in the said Act, or, if no period is named, during the financial year for which such Act was passed.

10

Every sum so advanced shall be placed to the account of the Commissioners at the Bank of Ireland for the purpose of loans by them, under such title or titles as the Treasury direct.

15

Every sum so advanced shall be repaid with interest at such rate, not exceeding five per cent. per annum, within such number of years, not exceeding thirty, as may be agreed on, with the approval of the Treasury, between the Commissioners and the Commissioners for the Reduction of the National Debt.

20

Every sum so advanced shall be repaid, and the interest from time to time accruing thereon shall be paid, out of the sums paid or applicable in or towards the discharge of the principal or interest of any loan made by the Commissioners under this Act, whether before or after the advance of the said sum, and, if such sums are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom.

25

Supplemental Provisions as to Loans.

30

Power to advance loan at once or by instalments.

34. Where the Commissioners make a loan under this Act, they may, with the sanction of the Treasury, and subject to the provisions of any special enactment, either advance the whole amount of such loan at once, or advance the same by such instalments at such times and in such manner as they may think proper, or as they may be agreed on.

35

Security for completion of works.

35. Where the Commissioners make a loan in aid of any work they may, by a bond to Her Majesty or otherwise, take such security for the application of the loan to the work, and for the due completion of the work (including the raising of sufficient funds for that purpose) within the period (if any) fixed by the Commissioners, as they may think expedient.

40

36. Where the Commissioners make a loan for any purpose to any urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878, or to any board of guardians, on the security of a rate, it shall be the duty of the Local Government Board to satisfy themselves that the loan is applied to such purpose; they may from time to time make such examination as they may think necessary with a view to ascertain that such loan has been so applied.

A.D. 1883.

Examination
as to applica-
tion of loan
secured by
mortgage of
rate.

The Local Government Board may appoint any officer to conduct on their behalf any examination under this section, and such officer shall have the same powers to require the attendance of persons and the production of accounts and other documents, so far as such attendance or production is required for the purpose of such examination, as an inspector of the Local Government Board has under the Public Health (Ireland) Act, 1878.

41 & 42 Vict.
c. 52.

Where upon any examination made in pursuance of this section, it appears to the Local Government Board that any sum, being the whole or part of the money raised by the loan, has not been applied for the said purpose, the Local Government Board may order that sum to be, within the time named in the order, applied either for the said purpose or towards the repayment to the Commissioners of the principal of the loan, or partly in one of such ways and partly in the other, and further, if it appears to them that the sum, or any part thereof, has been applied for some purpose other than that for which it was advanced, may by the same or any other order direct a sum equal to the amount so misapplied to be raised within the time and out of the fund or rate named in the order and to be applied as directed by the above-mentioned order.

An order made by the Local Government Board in pursuance of this section may be enforced by writ of Mandamus.

The Local Government Board may make orders as to the expenses incurred by them or by any officer appointed by them in making or conducting any examination in pursuance of this section; and any such order may contain directions as to the parties by whom, and the rates out of which such expenses shall be borne, and on the application of the Local Government Board may be made a rule of the High Court.

37. Where any person has, for the purpose of obtaining a loan from the Commissioners under this Act, assigned to the Commissioners any powers belonging to or in any way vested in him for the execution of any work in aid of which such loan was sought, the Commissioners shall by virtue of such assignment become vested, during the term and to the extent therein mentioned, with all such powers and obligations in respect of the execution of the said work as the

Assignment
by certain
borrowers to
Commissioners
of powers for
executing
work.

A.D. 1883.

person making such assignment might lawfully exercise; and thereupon all the said powers and obligations theretofore belonging to such person shall determine absolutely, or be suspended during the term and to the extent specified in the assignment.

Suspension
of payment
of principal
and interest.

38. The Treasury may, on the recommendation of the Commissioners, postpone for any time not exceeding *five* years the payment of any instalment or instalments of principal and interest, or either, due or to become due in respect of a loan made by the Commissioners and that upon such terms and conditions for the completion and improvement of any work for which such loan was made, and the ultimate payment of such principal and interest as the Treasury may on the said recommendation authorise.

Power to
change
security.

39. The Commissioners may, if they think fit, accept any security in lieu of any security previously given to them, or of any part thereof, subject to such terms and conditions as may be prescribed or required by them; so, however, that, in the case of a loan, the substituted security shall be such as the Commissioners might take if the loan were originally made at the time of such substitution, and that a change of security under this section shall not extend the period for the repayment of a loan.

Consent of
Commissioners in
sales, &c. of
mortgaged
property.

40. The Commissioners may concur in any lease or conveyance of any property mortgaged under this Act, or of any part thereof, and in the arrangements relative thereto, upon such terms and conditions as they may think fit, and either with or without consideration, so that in their opinion the payment, with interest, of any moneys charged under this Act on the mortgaged property is sufficiently secured or is not thereby made less secure.

Payment of
loan before
due, and
transfer of
security.

41. The Commissioners may, if they think fit, at any time accept payment of the whole or any part of the principal and interest of any loan made by them under this Act before the time when the same is due, and may convey the mortgage or other security for such loan to the person paying the same, or as he may direct, upon such terms and conditions as the Commissioners think expedient.

The person in whose favour any conveyance of a mortgage or other security under this section is made shall, subject to any limitations inserted therein, be entitled to the like priorities, powers, and authorities as the Commissioners were entitled to.

The Commissioners shall have full power to enter into and concur in all such arrangements as they may deem expedient for the purposes of carrying into effect a conveyance under this section.

Where a loan made by the Commissioners under this Act is repayable by instalments in respect of principal and interest spread

over a term of years, the Commissioners, on the application of the person for the time being liable to pay such instalments, may, with the sanction of the Treasury, increase the amount of such instalments and proportionately reduce the term for which they are payable; and such increase of the instalments and reduction of the term shall be calculated according to a table to be prepared in the prescribed manner.

A.D. 1883.

42. Upon all money due on a mortgage under this Act being fully paid the Commissioners shall, when required, give in the prescribed manner to the person liable to the payment thereof a receipt in writing for the same, and such further sufficient discharge (if any) as may seem to the Commissioners to be necessary, and upon such receipt being given the mortgaged rate shall be released from the charge and the mortgaged property or the part thereof not sold or disposed of under this Act shall, (unless the Commissioners, on the request and at the expense of the person paying the said money, make any other disposition thereof,) revert in the person who would have been entitled thereto if the mortgage had not been made, subject nevertheless to any mortgage or other act previously made or done by or under the direction of the Commissioners.

Discharge of security on payment of sums secured.

43. Where any bond or obligation has been made in relation to a loan under this Act, or in relation to any work for which a loan has been made under this Act, such bond or obligation shall, as soon as the conditions thereof are fully satisfied, be forthwith delivered up to be cancelled; and in case judgment has been entered up thereon, the Commissioners shall, by their warrant or warrants, direct the proper officer of the office of Registrar of Judgments to enter up satisfaction on the record of such judgment, and upon the production of such warrant or warrants satisfaction shall be entered up accordingly.

Cancellation of bonds and satisfaction of judgments.

44. Every sum payable in respect of a loan made by the Commissioners (either before or after the commencement of this Act), or of any loan repayable to the Commissioners, or under the security for any such loan as aforesaid, shall, subject to any power by this Act conferred on the Treasury for reducing the rate of interest charged on a loan, be compounded for or released only under the authority of Parliament in each case.

Remission of loans.

45. Except so far as any Act passed after the passing of this Act by express reference to this Act alters any provision contained in this Act, every loan made by the Commissioners out of moneys available for loans under this Act shall, notwithstanding any pro-

Application of Act to other Acts.

A.D. 1883.

vision in any special enactment and any rule of law or custom, be made in accordance with and under the powers of this Act; and every such loan shall be repayable in manner provided by this Act, and on the security for the same required by this Act, and together with such security shall have the priority and be subject 5 to the powers, authorities, and remedies mentioned in this Act; and every such loan, although made in pursuance of any special enactment, shall be deemed for all purposes to be a loan under this Act.

Provisions as to Borrowers.

Power to
grand jury to
apply for
loan and
mode of
obtaining it.

46. (1.) A grand jury of a county may apply to the Commissioners 10 for a loan for the purpose of any public work for which they are authorised by law to make a presentment.

(2.) For the purpose of obtaining a loan from the Commissioners the grand jury shall make a presentment of the sum proposed to be expended on the work, and shall set forth in such presentment that 15 the said sum shall be raised and levied by half-yearly instalments of not less than five pounds for every hundred pounds thereof by the year. The grand jury shall also in such presentment present a sum sufficient to pay interest on any loan to be granted by the Commissioners for the purpose of the said work at such rate, not 20 exceeding five per cent. per annum, as the Commissioners may require, and any preliminary and incidental expenses, and shall specify in such presentment what part of the said sums shall be raised on any tithery or half tithery in the county, or on the county at large. The grand jury may in the prescribed manner 25 certify such presentment to the Commissioners and make application to them for a loan on the security thereof.

Any money advanced by way of loan on the security of a grand jury presentment shall be paid to the treasurer of the county; and such treasurer shall furnish to the Commissioners all such accounts 30 of all receipts and disbursements in respect of money so advanced as may be prescribed or required by them.

If a loan on the security of a grand jury presentment is not made within twelve months after the date of the making of such presentment, such presentment shall be quashed by the judge of 35 assize or the High Court.

Power to
curtain bor-
rowers to
mortgage
property
and assign

47. Any person acting under the authority of Parliament, or of any charter or deed of settlement, may, for the purpose of securing the repayment of any loan made or proposed to be made to him by the Commissioners under this Act, or otherwise for the purpose of 40

obtaining a loan from the Commissioners under this Act, do both or either of the following acts, that is to say :—

A.D. 1882.

Powers of executing works.

(1.) He may mortgage to the Commissioners, in trust, any property vested in him by virtue of any such authority as aforesaid;

(2.) He may assign to the Commissioners, either absolutely or for such term and subject to such conditions as may be agreed upon, all powers belonging to or in any way vested in him for the execution of any work in aid of which such loan may be sought.

The powers conferred by this section may be exercised by such person, notwithstanding that he may not have otherwise than under this Act any powers to make or execute any such mortgage or assignment.

48. Where a loan is made by the Commissioners on the security of a rate, the borrowers shall cause their treasurer to keep a separate account under the title of the Public Works Commissioners Loan Account, or such other title as may be approved by the Local Government Board, and shall cause all advances in respect of the said loan to be carried to the credit of that account, and all orders or other documents directing payments out of such account shall show on the face of them that the payment is to be made out of that account, and an order or other document for a payment out of the said account shall not be made or given except the payment is for a purpose for which the said advances were made.

Separate account of loan on security of rate.

PART III.

EXECUTION OF WORKS BY COMMISSIONERS.

49. Subject as in this section mentioned, the provisions of this Part of this Act shall apply in the case of any work which the Commissioners undertake to execute in pursuance of any powers authorising them in that behalf; but where any special enactment authorises the execution of any work by the Commissioners, and special powers are given to the Commissioners for the purpose of executing such work, this Part of this Act shall not apply in such case except to such extent as any special enactment may apply the same or any of the provisions thereof.

Application of this part of Act.

A.D. 1848.

Power to execute
work, and
improvement
of Lands
Clauses Con-
solidation
Act.

50. The Commissioners shall have power to purchase and otherwise acquire all such land as may in their opinion be required for the purpose of any work to which this Part of this Act applies, and to make contracts and do all such acts and things as they may deem necessary or proper for the execution of any such work. 5

The Lands Clauses Consolidation (Ireland) Acts shall be incorporated with this Part of this Act so far as the same may be applicable and are not inconsistent with or modified by any of the provisions of this Act, and with the exceptions and subject to the provisions following; that is to say, 10

8 & 9 Vict.
c. 18.

(1.) There shall not be incorporated with this Part of this Act the following sections and provisions of the Lands Clauses Consolidation Act, 1845 :

(a.) Section sixteen, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; and section seventeen, whereby it is provided that the certificate of two justices shall be evidence that the capital has been subscribed; and 15

(b.) Section one hundred and twenty-three, whereby a limit of time for the compulsory purchase of land is imposed; and 20

(c.) The provisions with respect to the sale of superfluous land; and

(d.) The provisions with respect to access to the special Act; 25

14 & 15 Vict.
c. 70.

(2.) There shall not be incorporated with this Part of this Act sections four, five, and twelve of the Railways Act (Ireland), 1851 :

(3.) The Board of Trade, on the application of the Commissioners, may from time to time, by order in writing under the hand of the president or one of the secretaries of the board, appoint an arbitrator between the Commissioners and the persons interested in any land required by the Commissioners for the purpose of any work to which this Part of this Act applies or any land injuriously affected by the said work; and such arbitrator shall, in relation to such land and the works (if any) to be made and maintained by the Commissioners for the accommodation of lands adjoining the said work, be deemed to be an arbitrator appointed in pursuance of the Railways Act (Ireland), 1851, and the provisions of that Act and the Acts amending the same (so far as they are incorporated with this Part of this Act) shall be construed accordingly : 30 35 40

(4.) *The salary or remuneration, travelling and other expenses of the said arbitrator, and all costs, charges, and expenses (if any) incurred by the Board of Trade in relation to the appointment of such arbitrator, shall be paid by the Commissioners :* A.D. 1883.

(5.) Where the amount of any purchase money or compensation claimed in respect of any land required by the Commissioners for the purpose of any work to which this Part of this Act applies, or in respect of any land injuriously affected by the said work, does not exceed *fifty pounds*, proceedings may be taken in a summary manner, either by the Commissioners or by any person making such claim, for ascertaining the amount of such purchase money or compensation to be paid by the Commissioners, and the court before whom such proceedings are taken shall make such order as they may deem just for the payment of the amount of such purchase money or compensation by the Commissioners to the person entitled thereto :

(6.) In the construction of this Part of this Act and the said incorporated Acts this Part of this Act shall be deemed to be the special Act, and the Commissioners shall be deemed to be the promoters of the undertaking or the company.

The Commissioners may from time to time sell or exchange any lands purchased by them in pursuance of this section in case such lands are not required for the purposes for which they were so purchased, and may from time to time grant any lease of such lands till the same are sold or exchanged.

A purchase, sale, exchange, or lease of land in pursuance of this section shall not be made or granted except with the consent of the Treasury, but it shall not be necessary for the person who sells or purchases any such land or takes the same in exchange or takes a lease thereof, to ascertain that the consent of the Treasury has been given to such sale, purchase, exchange, or lease.

In this section the term "the Lands Clauses Consolidation (Ireland) Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act, (Ireland), 1860; the Railways Act (Ireland), 1864; and the Railways Traverse Act.

51. For the purpose of any work to which this Part of this Act applies, the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, except section thirty-nine, shall be incorporated with this Part of this Act so far as such provisions may be applicable, and are not inconsistent with any of

2 & 3 Vict. c. 38
22 & 24 Vict.
c. 186.
24 & 25 Vict. c. 70.
25 & 26 Vict. c. 57.
27 & 28 Vict. c. 11.
21 & 22 Vict. c. 70.

Incorporation of certain provisions of 8 & 9 Vict. c. 20.

A.D. 1883. the provisions of this Act; and in the construction of this Part of this Act and the said incorporated provisions, this Part of this Act shall be deemed to be the Special Act, and the said work shall be deemed to be the railway, and the Commissioners shall be deemed to be the Company;

Provided that the amount of any purchase money or compensation payable by the Commissioners in pursuance of any of the said provisions shall be ascertained in manner provided in this Part of this Act in the case of purchase money or compensation payable by the Commissioners in respect of any lands required by them or injuriously affected by any work to which this Part of this Act applies.

Removal of
obstructions,
&c. on work
executed by
Commissioners.

52. If any encroachment or obstruction is made, or permitted in or upon, or to the prejudice of any work to which this Part of this Act applies, the Commissioners or any surveyor, engineer, or other officer employed by them may serve the prescribed notice on the person by whose act or default such encroachment or obstruction arises, requiring such person to remove the same within a time to be specified in the notice; and if such person makes default in complying with any of the regulations of the said notice within the time specified, the Commissioners or any such surveyor, engineer, or other officer may cause the said encroachment or obstruction to be removed, and may take proceedings in a summary manner for the purpose of recovering the expenses of such removal.

The court before whom such proceedings are taken may impose on such person as aforesaid a penalty not exceeding *ten pounds* to be paid to the Commissioners and applied by them for the purposes of the said work; and the said court shall also give directions as to the payment of all expenses incurred by the Commissioners in relation to the removal of the said encroachment or obstruction; and the decision of the said court shall be final.

PART IV.

MISCELLANEOUS AND TEMPORARY PROVISIONS AND REPEAL.

Miscellaneous.

Loans under
24 & 25 Vict.
c. 47, s. 3,
to be made
in Ireland by
the Commis-
sioners.

53. From and after the commencement of this Act, the powers and duties of the Public Works Loan Commissioners with respect to making loans to harbour authorities in Ireland in pursuance of the Harbours and Passing Tolls, &c., Act, 1861, shall be transferred to the Commissioners; and where a harbour authority mentioned

in section three of that Act is a harbour authority in Ireland, the said section shall be read as if the Commissioners of Public Works in Ireland were substituted for the Public Works Loans Commissioners wherever the last-mentioned Commissioners are mentioned in the said section, and as if the words "the Board of Works (Ireland) Act, 1893," were substituted for the words "the said Public Works Loan Act and the Acts therein mentioned" in the sixth subsection of the said section.

A.D. 1893.

54. The Commissioners may require any person making an application to them to give security, by bond to Her Majesty or otherwise, for the payment of all preliminary and incidental expenses; and where the Commissioners in making any loan, or undertaking the execution of any work, take security for the payment to them of any sum, they may include in such sum any preliminary or incidental expenses incurred in relation to such loan, or undertaking; and when such sum is a loan such preliminary and incidental expenses when so included shall be deemed to be part of such loan.

Provision as to preliminary and incidental expenses.

The expression "preliminary expenses" includes all expenses incurred by the Commissioners in making inquiries, obtaining reports, or otherwise in any proceedings in relation to an application made to them.

The expression "incidental expenses" includes all expenses incidental to the making of an award by the Commissioners and to any inspection or other proceeding lawfully undertaken by the Commissioners or by any inspector or person acting under their authority in relation to any matter in respect of which the Commissioners have made an order.

55. Where proceedings are taken on any security given in respect of any preliminary or incidental expenses, or for the due application of any loan made by the Commissioners, the certificate of the Commissioners under their common seal certifying the amount of such preliminary or incidental expenses, or certifying the amount advanced in respect of such loan and any amount the application of which has not been accounted for to the Commissioners according to the condition of the said security (as the case may be), shall until the contrary is proved be conclusive evidence of the matters therein certified as aforesaid.

Evidence of preliminary and incidental expenses or of loan misapplied.

56. A writ or process shall not be sued out against or served on the Commissioners or any person acting under their authority for anything done or intended to be done or omitted to be done in pursuance of any power or duty conferred or imposed on them as such Commissioners until the expiration of *one month* after notice

Notice of action against Commissioners, &c.

A.D. 1853.

in writing has been served on the Commissioners or on such person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not 5 stated in the notice so served; and, unless such notice is proved, the jury shall find for the defendant.

The Commissioners or any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within *one month* after service of 10 such notice, and, in case the same be not accepted, may plead such tender in lieu of or in addition to any other plea; and in case such tender is not accepted, or the action is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum 15 tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action. 20

Perjury.

57. Any person who, when examined by the Commissioners in pursuance of this Act or any other Act authorising the Commissioners to take evidence on oath, or in pursuance of any regulation made under this Act, wilfully gives false evidence, or who, for the purpose of obtaining a loan under this Act, wilfully gives infor- 25 mation to the Commissioners which is false in any material particular, shall be guilty of perjury.

Receipt for money payable on account of loan, &c.

58. The receipt in writing of the Commissioners, and any other prescribed receipt for any money paid in discharge of the principal or interest of any loan made under this Act, or of any sum due 30 under any security made under this Act or otherwise payable to or by the direction of the Commissioners, shall be a complete discharge to the person paying the same.

Service of notices.

59. Notices, directions, orders, and documents required by this Act, or by any regulation made under this Act, to be served or 35 sent may, unless otherwise expressly provided, be served and sent by post, and, until the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient 40 to prove that the letter containing the notice, direction, order, or

document was prepaid, and properly addressed, and put into the post. A.D. 1863.

60. Notices and documents required by this Act, or by any regulation made under this Act, to be served on the Commissioners, may be so served by serving the same on their secretary, or by sending the same addressed to or delivering the same at the office of the Commissioners. *Notices to and by Commissioners.*

Notices and documents required for the purposes of this Act, or of any regulation made under this Act, to be served by or on the Commissioners, or to be made or issued by the Commissioners, shall be in writing or in print, or partly in writing and partly in print.

61. Where the council of a borough is authorised by law to make presentments, such council shall have and be subject to all the powers, duties, and liabilities by this Act conferred and imposed on a grand jury; and all the provisions of this Act relating to grand juries shall apply, so far as the same are applicable, to every such council in like manner as they apply to grand juries; and in applying the said provisions as aforesaid, the town clerk shall be deemed to be substituted for the secretary to the grand jury. *Application of Act to town council having powers of grand jury.*

62. The schedules to this Act shall be construed and have effect as part of this Act. *Effect of schedules.*

63. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the context repugnant thereto, that is to say:— *Definitions.*

"Lord Lieutenant" includes the lords justices or any other chief governor or governors of Ireland for the time being:

"Treasury" means the Commissioners of Her Majesty's Treasury:

"Local Government Board" means the Local Government Board for Ireland:

"Bank of Ireland" means the Governor and Company of the Bank of Ireland:

"High Court" means Her Majesty's High Court of Justice in Ireland:

"Attorney General" means the Attorney General for Ireland, and includes, in case of any vacancy or inability to act, the Solicitor General for Ireland:

"Financial year" means the year ending the thirty-first day of March:

"Special enactment" means any enactment in any Act, whether passed before or after the passing of this Act, authorising the

A.D. 1883

Commissioners to make a loan for any purpose mentioned in the First Schedule to this Act, or otherwise relating to any such loan or the terms or conditions thereof, or relating to the execution of any work by the Commissioners:

"County" includes a county of a city, a county of a town and city, and a city or town and county:

"Mortgage" includes a charge and any instrument in the nature of a mortgage or charge:

"Conveyance" includes any grant, assignment, transfer, or other disposition or assurance; and the expression "convey" shall be construed accordingly:

"Rate" means a rate, cess, or assessment, the proceeds of which are applicable to public local purposes and leviable on the basis of a valuation of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate, as before defined, and the making and levy of a rate includes the issue and enforcement of any such precept, certificate, or instrument as aforesaid, and expressions relating to the making and levy of a rate shall be construed accordingly:

Any toll, due, rent, imposition, and other sum not being a rate as above defined shall be deemed to be property for the purposes of this Act.

"Person" includes any body of persons corporate or unincorporate:

"Land" or "lands" includes all hereditaments, corporeal and incorporeal, and whether held in fee simple, fee farm, or for a life or lives, or for lives and years concurrent, or for years only, and all rights, members, and appurtenances appertaining to such lands, or usually held or enjoyed therewith:

All references to a mortgagor or borrower shall, if need be, be deemed to include a reference to the successors, heirs, executors, administrators, and assigns of, or other persons claiming through or under such mortgagor, or borrower.

Temporary Provisions and Repeal.

First Commissioners.

64. The existing Commissioners of Public Works in Ireland shall be the first Commissioners under this Act.

From and after the commencement of this Act all property of every description vested in the said existing Commissioners as such Commissioners, and all rights, powers, duties, and liabilities at any time transferred to the said existing Commissioners from the Directors of Inland Navigation, and exercisable by and attaching to

the said existing Commissioners at the commencement of this Act, and all rights, powers, duties, and liabilities exercisable by and attaching to the said existing Commissioners at the commencement of this Act in relation to the navigation of the river Shannon and the works connected therewith, shall be vested in and be exercisable by and attach to the Commissioners under this Act; and such property shall be held to and upon the same uses and trusts, and for the same purposes, to, upon, and for which the same was held by the said existing Commissioners at the commencement of this Act, and the Commissioners under this Act shall have and be subject to all the rights, powers, and liabilities of the said existing Commissioners in relation to the said property.

"Existing" means existing at the commencement of this Act.

A.D. 1833.

65. The persons who at the commencement of this Act are officers and servants of the Commissioners of Public Works in Ireland, shall be the first officers and servants of the Commissioners under this Act.

Existing officers and servants.

66. Regulations under this Act may be made by the Commissioners, approved by the Treasury, and published in the "Dublin Gazette," at any time after the passing of this Act, but shall be of no effect until the commencement of this Act.

Making regulations before commencement of Act.

67. A reference in any Act to any enactment hereby repealed, or to the Commissioners for the execution of any Act hereby repealed, shall, so far as is consistent with the tenor thereof, be deemed to refer to the corresponding enactment in this Act, and to the Commissioners under this Act.

Provision as to references to repealed Acts.

68. Save as otherwise provided by this Act, this Act shall not apply to loans made, or securities taken, or works being or about to be executed by the Commissioners before the commencement of this Act.

Saving for transactions under repealed enactments.

The Commissioners shall have the same power of making further advances on any loan made before the commencement of this Act, and of executing any work commenced by them before the commencement of this Act, as they would have had if this Act had not been passed, but such advances shall be made out of money issued under this Act.

The Commissioners, on making any new loan to persons by whom a loan made before the commencement of this Act is still owing, may make it a condition of such new loan that the old loan shall be deemed to have been made in pursuance of this Act, and on such condition being accepted the old loan shall be deemed to be a loan under this Act.

A.D. 1883.

For the purpose of any loans and securities made, and works commenced before the commencement of this Act, the Commissioners and their officers for the time being shall be deemed to be the same commissioners and officers as the commissioners and officers under the Acts in pursuance of which such loans, grants, and securities were made and such works commenced; and all securities and documents relating to such commissioners and officers shall be construed accordingly.

Repeal of
Acts.

69. The Acts specified in the Second Schedule to this Act shall be repealed from and after the commencement of this Act to the extent 10 in the third column of the said schedule mentioned; and so much of any other enactment as authorises any loan by the Commissioners of Public Works in Ireland out of moneys available for loans under this Act for any purpose other than a purpose mentioned in the First Schedule to this Act, or as is otherwise inconsistent with 15 this Act, shall be repealed from and after the commencement of this Act:

Provided that the repeal of an enactment by this Act shall not affect—

- (a.) Any charge on the Consolidated Fund or moneys provided 20 by Parliament made under any enactment hereby repealed, nor any securities made or issued or anything duly done or suffered under any enactment hereby repealed; nor
- (b.) Any power capable of being exercised for the purpose of enabling or compelling the payment of any money due on 25 account of any loan made by the Commissioners before the commencement of this Act, whether the same or any part thereof has been actually advanced before or after such commencement, or on account of any loan made before the passing of this Act by any other authority and repayable to the Com- 30 missioners; nor
- (c.) Any right, obligation, or liability acquired, accrued, or incurred under or in accordance with any enactment hereby repealed; nor
- (d.) Any penalty, forfeiture, or punishment incurred in respect of 35 any offence committed against any enactment hereby repealed; nor
- (e.) Any power, investigation, legal proceeding, or remedy in respect of any such security, thing, power, right, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and 40 any such power, investigation, legal proceeding, and remedy may be exercised and carried on and had as if this Act had not passed.

THE FIRST SCHEDULE.

A.D. 1882.

Purposes for which the Commissioners may lend Money.

Any public work for which a grand jury have made a presentment.

- 5 Any purpose for which any Commissioners acting under any Act of Parliament in relation to any bridge, or the tolls thereof, are authorised to borrow in pursuance of section six of the Act of the session of the fortieth and forty-first years of the reign of Her present Majesty, chapter twenty-seven.
- 10 Any purpose for which an owner of land within the meaning of an Act passed in the tenth year of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to facilitate the Improvement of Landed Property in Ireland," is authorised to apply to the Commissioners for a loan in pursuance of that Act or of any Act
- 15 amending or extending the same or incorporated therewith.

- Any purpose for which a drainage board is authorised to apply to the Commissioners for a loan in pursuance of the Drainage and Improvement of Lands Act (Ireland), 1863, or of the Drainage Maintenance Act, 1866, or of any Act explaining, amending, or
- 20 extending those Acts or either of them.

- Any work for which the Commissioners are authorised to make a grant in pursuance of an Act passed in the ninth year of the reign of Her present Majesty, chapter three, intituled "An Act to encourage the Sea Fisheries of Ireland, by promoting and aiding
- 25 " with Grants of Public Money the Construction of Piers, Harbours, and other Works," or of any Act amending or extending the same.

- Any purpose for which loans are authorised to be made harbour authorities in pursuance of the Harbours and Passing Tolls, &c.
- 30 Act, 1861.

- Any purpose for which the Commissioners of Public Works in Ireland are authorised to make loans in pursuance of the Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866, or any Act amending the same.

- 35 Any purpose for which a local authority in Ireland may borrow in pursuance of the Artizans Dwellings Acts, 1868 to 1882.

- Any purpose for which a local authority in Ireland may borrow in pursuance of the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882.

29 & 30 Vict.
c. 41.
31 & 32 Vict.
c. 130.
42 & 43 Vict.
c. 64.
45 & 46 Vict.
c. 54, Part II.
38 & 39 Vict.
c. 36.
42 & 43 Vict.
c. 68.
45 & 46 Vict.
c. 54, Part I.

A.D. 1883.

Any purpose for which the Commissioners of Public Works in Ireland are authorised to make loans in pursuance of section eighteen of the Act of the session of the eighth and ninth years of the reign of Her present Majesty, chapter sixty-six.

Any purpose for which any town council or town commissioners are authorised to borrow in pursuance of section seven of the Act of the session of the ninth and tenth years of the reign of Her present Majesty, chapter eighty-seven.

Any purpose for which a rural sanitary authority in Ireland may borrow in pursuance of the Contagious Diseases (Animals) Act, 1878.

Any purpose for which advances may be made (otherwise than in relation to the purchase by tenants of their holdings) in pursuance of Part Three of the Landlord and Tenant (Ireland) Act, 1870, or in pursuance of section nineteen or section thirty-one of the Land Law (Ireland) Act, 1881.

Any purpose for which a sanitary authority, joint board, sanitary authority acting as a burial board, or joint sewerage board, are authorised to borrow in pursuance of the Public Health (Ireland) Act, 1878.

Any purpose for which loans may be made in pursuance of the Glebe Loan (Ireland) Acts.

Any purpose for which the council or board of any borough or the town commissioners of any town are authorised to borrow in pursuance of section five of the Public Libraries (Ireland) Amendment Act, 1877.

Any purpose for which a grand jury or town council may borrow in pursuance of the Reformatory Institutions (Ireland) Act, 1881.

Any purpose for which a board of guardians may borrow in pursuance of Part III. of the Arrears of Rent (Ireland) Act, 1882.

Any public work not here-before in this Schedule specified, executed under the authority of Parliament or of any charter.

Any work of which the Commissioners themselves undertake or direct the execution.

Any purpose for which the Commissioners are authorised to lend by any Act passed after the passing of this Act.

The payment of any preliminary expenses in relation to an application made to the Commissioners.

THE SECOND SCHEDULE.

A.D. 1883.

Session and Chapter	Title or Short Title.	Extent of Report.
1 & 2 Will. 4. c. 33 - 5	An Act for the Extension and Promotion of Public Works in Ireland.	The whole Act.
6 & 7 Will. 4. c. 108. - 10	An Act to amend an Act passed in the First and Second years of His present Majesty, for the Extension and Promotion of Public Works in Ireland.	The whole Act.
7 Will. 6. & 1 Vict. c. 2. 15	An Act to amend an Act passed in the seventh year of His present Majesty for consolidating and amending the Laws relating to the Presentation of Public Money by Grand Jurors in Ireland.	Section ten.
20 1 Vict. c. 21. - - 25	An Act to amend the Acts for the Extension and Promotion of Public Works in Ireland.	The whole Act.
2 & 3 Vict. c. 50. - 30	An Act, the title of which begins with the words— An Act to extend, and ends with the words—and Periodical Assessments.	Sections ten, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-five.
6 & 7 Vict. c. 44. - 35	An Act to amend the Acts for carrying on Public Works in Ireland.	So much as is unrepealed.
9 Vict. c. 1. - - 40	An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in Ireland.	The whole Act.
9 & 10 Vict. c. 85. - 45	An Act to extend and consolidate the Powers hitherto exercised by the Commissioners of Public Works in Ireland, and to appoint additional Commissioners.	The whole Act.
19 & 20 Vict. c. 18. -	An Act to authorise for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.	So much as is unrepealed.

A.D. 1893.

Source and Chapter	Title or Short Title	Extent of Report	
24 & 25 Vict. c. 71. -	An Act to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in Ireland in relation to Advances and Repayments of Public Money for Public Works.	The whole Act.	5
29 & 30 Vict. c. 73. -	An Act to authorise for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.	The whole Act.	10 15
32 & 33 Vict. c. 74. -	An Act, the title of which begins with the words— An Act to extend, and ends with the words— held on public trusts.	The whole Act.	20
40 & 41 Vict. c. 27. -	The Public Works Loans (Ireland) Act, 1877.	Sections four, twelve, thirteen, fourteen, fifteen.	
42 & 43 Vict. c. 77. -	The Public Works Loans Act, 1879.	Sections two, three, and seven, so far as they relate to the Commisseries of Public Works in Ireland.	25
44 & 45 Vict. c. 38. -	The Public Works Loans Act, 1881.	Section twelve.	

Board of Works (Ireland).

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B I L L

To consolidate and amend certain Acts and
Enactments relating to the Commissioners
of Public Works in Ireland; and for other
purposes.

*(Prepared and brought in by
Mr. Courtney and Mr. Herbert Gladstone.)*

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